

RECEIVED
CENTRAL FAX CENTER

SEP 07 2004

FAX TRANSMISSION**DATE:** September 7, 2004**PTO IDENTIFIER:** Application Number 10/743,976
Patent Number**Inventor:** Chang, et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** CONNOLLY BOVE LODGE & HUTZ LLP
Myron Keith Wyche**PHONE:** (202) 331-7111**Attorney Dkt. #:** 10253-00224-US**PAGES (Including Cover Sheet):** 5**CONTENTS:** Response to Restriction Requirement dated 08/05/2004 (3 pages);
Certificate of Transmission Under 37 CFR 1.8 (1 page)
NO FEE

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (202) 331-7111 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

CONNOLLY BOVE LODGE & HUTZ LLP
1990 M Street, N.W., Suite 800, Washington, DC 20036-3425
Telephone: (202) 331-7111 Facsimile: (202) 293-6229

PTO/SB/97 (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on September 7, 2004
Date


Signature

Joy Pickett

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Response to Restriction Requirement dated 08/05/2004 (3 pages);
Certificate of Transmission Under 37 CFR 1.8 (1 page)
NO FEE

RECEIVED
CENTRAL FAX CENTERDocket No.: LP4440USDIV
(PATENT)

SEP 07 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chang et al.

Application No.: 10/743,976

Confirmation No.: 9032

Filed: December 22, 2003

Art Unit: 1774

For: METHOD FOR HIGH-SPEED SPINNING OF
BICOMPONENT FIBERS

Examiner: N. O. Edwards

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed August 5, 2004, applicant hereby provisionally elects Group I, claims 20-26 for continued examination, with traverse.

The outstanding Office Action has required restriction between:

Group I, claims 20-26, drawn to a bi-component fiber, classified in class 428, subclass 373+;

Group II, claims 27-29, 34, and 33, drawn to a fiber, classified in class 428, subclass 364;
and

Application No.: 09/581,021

Docket No.: 21776-00050-US

Group III, claims 30-32, drawn to a process for making a bi-component fiber, classified in class 264, subclass 172.1.¹

In addition, the outstanding Office Action has required that if Group I is elected, Applicants should elect a single disclosed species for the polyester, cross section, and cross sectional shape for claims 20 and 24.² To that end, for both claims 20 and 24, Applicants elect for the:

polyester- poly(ethylene terephthalate);

cross section- side-by-side; and

cross-sectional shape- oval.

Further, the outstanding Office Action has required that if group I is elected, Applicant is required to select a single disclosed species for claims 22, 23 and 26.³ To that end, for claims 22, 23 and 26:

linear, cyclic and branched aliphatic dicarboxylic acids having 4-12 carbon atoms;

isophthalic acid; and

isophthalic acid, respectively, are elected.

Applicants make these elections based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicants respectfully traverse the Restriction Requirement for the following reasons.

MPEP Section 803 states:

¹ Outstanding Office Action dated August 5, 2004, page 2, lines 1-5 and 13-14.

² *Id.* at lines 6-8.

³ *Id.* at lines 13-14.

Application No.: 09/581,021

Docket No.: 21776-00050-US

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In particular, the claims of the present invention would appear to be part of an overlapping search area in class 428. Though the Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)), in the present case, the claimed subject matter may be classified in different subclasses of the same class and Applicants respectfully submit the inventions are not independent. That is, Applicants respectfully submit that an examination of one set of claims will require a search in the classes common to each set of claims.

Therefore, Applicants respectfully request that the Restriction Requirement be withdrawn. However, if the present Restriction Requirement is not withdrawn, examination on the merits of claims 20-26 is believed in order and an early and favorable action to that effect is respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge INVISTA S.a.r.l. Deposit Account No. 50-3223, under Order No. 10253-00224-US, from which the undersigned is authorized to draw.

Dated: September 7, 2004.
346642_1

Respectfully submitted,

By Myron K. Wyche
Myron K. Wyche, Reg. No. 47,341
CONNOLLY BOVE LODGE & HUTZ LLP
1990 M Street, N.W., Suite 800
Washington, DC 20036-3425
(202) 331-7111
(202) 293-6229 (Fax)
Attorney for Applicant